

2003 DRAFTING REQUEST**Bill**

Received: 04/04/2003

Received By: rnelson2

Wanted: As time permits

Identical to LRB:

For: Terry Musser (608) 266-7461

By/Representing:

This file may be shown to any legislator: NO

Drafter: rnelson2

May Contact:

Addl. Drafters:

Subject: Veterans - miscellaneous
Military Affairs - nat'l guard

Extra Copies:

Submit via email: YES

Requester's email: Rep.Musser@legis.state.wi.us

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Benefits and protections regarding vehicle leases for persons called into active service.

Instructions:

See Attached 03-1534

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	rnelson2 04/15/2003	csicilia 04/15/2003					
/1			pgreensl 04/16/2003		sbasford 04/16/2003	lemery 06/04/2003	

FE Sent For:

*None
needed*

<END>

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04/16/2003 11:32:45 AM

Page 2

FE Sent For:

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04/10/2003 11:35:45 AM

Page 1

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1?	rnelson2	1 jgs 4/15 03	4/15 P8	4/15 P8/24			

FE Sent For:

<END>

DRAFT

New Benefits and Protections for Wisconsin's Servicemen and Women

KEY INITIATIVES OF THE NEW "BADGER PLAN"

- RAC U GMM RPN RPN RAC PJA **Supplemental Military Leave:** Expands the supplemental military leave program established after September 11, 2001, to ensure that all state officers and employees called active duty in the war against terror and possible military action in Iraq suffer no loss of salary as a result. s. 230.32 (1).
(-2467/1)
- Educational Military Leave of Absence and Tuition Relief:** Requires colleges and universities to provide an educational military leave of absence for students called to active duty, which would require the institution to restore the student to his or her previous educational status upon return from military service without any loss of credits earned, scholarships or grants, or other fees paid prior to commencement of military duty. In addition, all colleges and universities would be required to provide a tuition refund or credit for students forced to suspend their studies because of an educational military leave of absence. AB 19
s. 36.11, 38.12
s. 39.48
s. 40.05
(2001 WA 22)
- Protection Against Military Status Discrimination:** Expands the protections of the Human Rights Law to Military Personnel to ensure they are not discriminated against regarding housing, employment, education, public accommodations, and credit applications. 111.321
employment
disc.
- Termination of Vehicle Leases:** Permits military personnel to terminate a car lease if he or she is called to active duty. Add like
why not federal?
21.75(14) (WA 24)
- Interest Rate Cap on Installment Loans:** Caps rates of interest on installment loans at 6 percent while the individual is engaged in state active duty. This provides the same protection for personnel called to active duty by the Governor that federal law provides to personnel called to active duty by the President. Isn't this
in 21.75 (10)
(WA 24)
- Health Insurance Benefits:** Directs the Employee Trust Fund to protect the rights of military personnel to continue, suspend or convert health insurance benefits during times of active duty. state, not private
all, or only nat'l guard/reservists
- Professional Liability Insurance:** Permits suspension of professional liability (malpractice) insurance by military personnel while serving on active duty. This provision provides protections for military personnel engaged in state active duty similar to the protections provided to military personnel engaged in federal active duty. 21.75(23)
WA 24

Federal?

RAC/
PG
MES

- **Retirement Loan Repayment:** Permits the suspension of loan payments for public employees who borrowed against their retirement system savings while such employees are engaged in active duty.

RPN

- **Veterans Services Agencies:** Authorizes county-run Veterans Services Agencies to provide services to active duty Reserve and National Guard.

45,43(5)

PT
RR

- **License Extensions:** Provides automatic extensions for emergency medical technician licenses, drivers' licenses, vehicle registration and vehicle inspections while military personnel are engaged in active duty.

7
JTH

- **Suspension of Certain Legal Requirements During Active Duty:** Provides the Governor with the authority to issue Executive Orders temporarily suspending or modifying specific provisions of any statute, local law, ordinance or orders, rules or regulations, or parts thereof, relating to the obligations of military personnel called to active duty related to the war on terrorism.

??

LL

- **Free High-Speed Internet:** Provides free high-speed Internet access at places such as at state university campuses to family members of activated troops for the purpose of communicating with their loved ones.

during active duty

COMM

- **Employer Recognition:** Creates a "WI-USA Proud" employer of distinction award to recognize companies that show exceptional support for military Reservists and Guard members.

Governor's award
one, many??

MGG

- **Badger Discount Program:** Establishes a voluntary state-sponsored program for merchants who agree to provide reduced price discounts for merchandise and services for all military personnel. Participating merchants are eligible for the proposed "WI-USA Proud" recognition program.

what needs drafting

RPN/RK

- **Free Hunting & Fishing Licenses:** Provides free hunting and fishing licenses for members of the National Guard and Reserve.

29.094
Residents / non resident
29.569(2) 29.194

- **Free "Badger Passport" to State Parks:** Provides free admission for Reserve and National Guard (troops) and their families to the state parks and beaches.

state forests, state Rec. Areas vehicles owned by

27.01

RAC/
MES

- **Use of Retirees as Temporary Substitutes:** Allows local governments to hire back retired workers to temporarily replace employees called to active duty. These workers would not face any loss of pension benefits as a result of this service.

what about active armed forces

4. **"Termination of Vehicle Leases"**: The Soldiers and Sailors Civil Relief Act (SSCRA) does not directly address the issue of termination of vehicle leases since when it was drafted in the 1940's there weren't any vehicle leases. Rep Musser, at our request, has already had prepared a tentative bill based on section 21.75, the state version of the SSCRA for State Active Duty. This proposal needs to be modified to cover Federal Active Duty service, not state active duty.

Yes

-1534
X

5. **Interest Rate Cap on Installment Loans**: This proposal was intended to cover State Active Duty for periods in excess of thirty days, like the Air Port Security duty. I believe this provision is currently covered in section 21.75 created by 2001 WI Act 24, in Nov. of 2001

No

6. **Health Insurance Benefit**: Intended to continue, suspend or convert health insurance benefits while on active duty. This right, as to State employees, was incorporated into law by 1999 WI Act 13 which created section 40.05 (4g) giving all state employees these rights

No

7. **Professional Liability Insurance**: Permits suspension of professional liability (malpractice) insurance while serving on State active duty. This situation was incorporated into section 21.75 (22) entitled Professional Liability Protection, when 2001 WI Act 24 was passed creating the State SSCRA. It covers when a Guard member is placed on orders for 30 days or more of State Active Duty, or title 32 duty.

No

8. **Retirement Loan Repayment**: Intended to permit suspension of loan payments for public employees who borrowed against their retirement system savings while they are on active duty. I believe that the WI Employee Trust Fund regulations only allow borrowing from a retirement fund for catastrophic situation. Thus, if such a situation occurred is this service person likely to be deployed? I suspect not. If however Employee Trust Fund regulations say that there are more loan provisions available, then this may well be an attractive provision for someone federally activated, although the pool of potential beneficiaries is small as compared to the total Guard and Reserve forces within the State.

No

No borrowing
says RAC

9. **Veterans Service Agencies**: Authorizes County Veteran Service Officers (CVSOs) to provide services to active duty Reserve and Guard members. This is potentially one of the most advantageous provisions in this packet. I strongly recommend its adoption, if State statutes do not currently allow the CVSOs to assist this segment of the service member community.

Yes

10. **License Extensions**: Provides for automatic extensions for various licenses, such as medical licenses, drivers licenses, vehicle registrations, etc. while service members are on active duty. This provision was already incorporated into chapter 21 with the passage of 2001 WI Act 22 creating section 21.72.

No

X

"Badger Plan" Information Paper
prepared by LTC Terry McArdle April 8, 2003

DVA through Deputy Secretary Scosus recommended to the Governor, the Senate and Assembly Leadership, and the Veterans and Military Affairs Committee chairmen a package of proposals that somewhat mirrors the New York "Patriot Plan" package of benefits.

On Wednesday the 2d of April, Rep Musser met briefly after the Governor's announcement on the State Differential Pay legislation with Katie Boyce, the Governor's Legislative Director. They agreed to meet on the Badger Plan idea.

On Thursday the 3d Rep. Musser came to DMA and met briefly with the Adjutant General, then spent more time with Mr. Larry Olson and LTC McArdle on the Badger Plan.

The result of this is a meeting set for the PM of Wednesday 9th at Rep Musser's office. Those invited by Rep Musser are Sen. Brown or his representative, Katie Boyce and probably the policy person for DVA and DMA, Dep. Sec Scosus and possibly another representative from DVA, Larry Olson and Terry McArdle from DMA.

The topics to be discussed are those found in the proposed Badger Plan and any other topics which may be appropriate, these are:

Special Note—Those items in **bold and underlined** are already in the WI statutes. Those items in ***bold and italicized*** are bills currently in drafting or already introduced for legislative action. Those items merely in **bold** are new topics for consideration for possible legislation.

1. ***"Supplemental Military Leave"***- Basically the Differential Pay Legislation proposed by the Governor and Legislative leadership last week.
2. ***Educational Military Leave of Absence and Tuition Relief***- We have half of this now. 2001 WI Act 22 gave service members in the guard and reserve the right to withdraw from tech schools, University system and Private schools. However, it did not give them the automatic right to be re-admitted and not counted against any campus quotas.
3. ***Protection Against Military Status Discrimination***: Potentially we do not need this since section 111.31 of the WI Statutes already makes it a violation of the law to discriminate against membership in the Guard and Reserve. It may be best to review the current state law to see if an expansion is required.

Only
on proposal X

Wanted by 8/24pm

2003 - 2004 LEGISLATURE

24801
LRB-15341

RPN:cjs:rs

stays

2003 BILL

These provisions are similar to the protections provided under federal law to persons in active duty in the U.S. armed forces, but

Regen. cat.

45, 236(2m)

1 AN ACT ~~to amend 21.75 (14) (title); and to create 21.75 (14m)~~ of the statutes;
2 relating to: termination of ~~auto~~ ^{motor vehicle} leases by persons ~~called into national guard~~ ^{in active}
3 service ~~in the U.S. armed forces~~

Analysis by the Legislative Reference Bureau

Under current law, if a person is called into active service for 30 days or more in the national guard or the state defense force under an order of the governor, that person may terminate a lease on real property. If the lease calls for monthly payments, under current law, the termination is effective 30 days after the first day on which the next rental payment is due and the national guard member is required to pay the rent up to that date. Currently, if the lease calls for payments other than monthly, the termination is effective on the last day of the month after the month in which the notice is given, and the national guard member is required to pay the rent up to that date. The landlord is required to refund any rent paid in advance that applies to the period after termination. Currently, a court ~~upon a petition for relief from these provisions by a landlord~~ may modify the relief granted to the service member as the court determines appropriate.

This bill provides the same protections regarding leases of motor vehicles for a person who is ~~called into active service for 30 days or more in the national guard or the state defense force under an order of the governor~~ ^{in the U.S. armed forces}

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

... federal law does not provide these protections regarding motor vehicle leases

BILL

1 SECTION 1. 21.75 (14) (title) of the statutes is amended to read:

2 21.75 (14) (title) TERMINATION OF REAL PROPERTY LEASES BY LESSEES.

3 SECTION 2. ^{(B) 45.53 (2)} ~~21.75 (14)~~ of the statutes is created to read:

4 ~~21.75 (14)~~ ^{45.53 (1m)}

~~TERMINATION OF AUTOMOBILE LEASES BY LESSEES~~ (a) This subsection

5 applies to a lease to which all of the following apply:

6 1. The lease was executed by or on behalf of a ~~service member~~ ^{person in military service} who entered
7 active ~~state~~ service after the lease was executed.

8 2. The lease transfers the right of possession and use by the ~~service member~~ ^{person in military service}
9 and his or her dependents of a motor vehicle primarily for a personal, family,

10 household, business, or agricultural purpose, for a period of time exceeding 4 months.

11 ~~The term~~ ^{(b) This subsection} does not ~~include~~ ^{apply to} a credit sale, as defined under 12 CFR 226.2 (a) (16).

12 ~~(b) Notwithstanding s. 429.207~~ ^{(c) The provisions of} ~~the~~ lease to which this subsection applies may ^{do not apply to leases described in par. (a).}
13 be terminated by the ~~service member~~ ^{person in military service} at any time ^{during} ~~after the beginning of the~~ ^{(d) A} ~~service~~

14 ~~member's~~ ^{person's} period of active ~~state~~ service by giving notice in writing by personal
15 delivery or first class mail to the lessor or the lessor's agent.

16 ^(e) ~~(f)~~ If the lease provides for monthly payments, termination shall be effective
17 30 days after the first date on which the next payment is due and payable after the
18 date on which the notice is delivered or mailed. If the lease provides for payments
19 other than monthly, termination shall be effective on the last day of the month after
20 the month in which the notice was delivered or mailed.

21 ^(f) ~~(g)~~ Any unpaid amount for the period preceding termination shall be computed
22 on a prorated basis.

23 ^(g) ~~(h)~~ The lessor or the lessor's agent shall refund to the ~~service member~~ ^{person in military service} any
24 amount paid in advance that applies to the period after termination.

BILL

1 ^h
2 ~~(1)~~ Upon application of a lessor after receiving notice under this subsection and
3 before the lease termination date provided for in this subsection, a court may make
4 ^{any}
5 ~~such~~ modifications to or restrictions on the relief granted in this subsection as the
6 court determines are appropriate under the circumstances.

(END)

Emery, Lynn

From: Emery, Lynn
Sent: Monday, May 19, 2003 3:59 PM
To: Rep.Musser
Subject: LRB-2480/1 (attached as requested)



03-2480/1

Lynn Emery
Program Assistant
Legislative Reference Bureau
608-266-3561
lynn.emery@legis.state.wi.us

Emery, Lynn

From: Musser, Terry
Sent: Wednesday, June 04, 2003 9:53 AM
To: Emery, Lynn
Subject: RE: LRB-2480/1 (attached as requested)

Please jacket LRB-2480/1 for introduction in the Assembly.

Thanks,
Terry Musser
WI State Representative
92nd Assembly District
11-W, Capitol
266-7461

-----Original Message-----

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Sent: Monday, May 19, 2003 3:59 PM
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<< File: 03-2480/1 >>

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Program Assistant
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